

SENATE BILL NO. 673

BY SENATOR HEBERT

1 AN ACT

2 To amend and reenact R.S. 22:46(9)(b), (c), and (d), relative to the commissioner of  
3 insurance; to provide for the filing of annual audited statements by certain  
4 professional, trade, and occupational or public liability trust funds; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:46(9)(b), (c), and (d) are hereby amended and reenacted to read  
8 as follows:

9 §46. General definitions

10 In this Code, unless the context otherwise requires, the following definitions  
11 shall be applicable:

12 \* \* \*

13 (9) (a) \* \* \*

14 (b) The establishment and operation of **at least** one or more professional or  
15 public liability trust funds by a statewide hospital association in this state for the  
16 purpose of providing a means by which any type of professional malpractice or  
17 public liability claims or judgments arising from such claims against hospitals which  
18 are members of the association and claims against members of societies of the  
19 association shall be paid or settled shall not be deemed to be insurance and such trust  
20 or trusts shall not be deemed to be licensed, admitted or authorized insurers but shall

1 be subject to Subpart E of Part III of Chapter 2 **of this Title**, R.S. 22:651 et seq., Part  
2 IV of Chapter 7 **of this Title**, R.S. 22:1961 et seq., and Chapters 8 and 12 of this  
3 Title, R.S. 22:1981 et seq. and R.S. 22:2191 et seq. An annual audited statement for  
4 each such trust shall be filed with the commissioner of insurance **by June thirtieth**  
5 **of each year for the immediately preceding year ending December thirty-first**  
6 **or within six months of the close of the fiscal year, only if records are not**  
7 **maintained on a calendar year basis**. The commissioner of insurance shall also  
8 have the authority to examine the books, records and affairs of the trust funds.

9 (c) The establishment and operation of professional and public liability trust  
10 funds by a nonprofit beneficiary organization as set forth in Subpart N of Part I of  
11 Chapter 2 of this Title, R.S. 22:401 et seq., shall not be deemed to be insurance and  
12 the trusts shall not be deemed to be a licensed, admitted, or authorized insurer but  
13 shall be subject to Subpart E of Part III of Chapter 2 **of this Title**, Part IV of Chapter  
14 7 **of this Title**, and Chapters 8 and 12 of this Title. An annual audited statement  
15 shall be filed with the commissioner of insurance **by June thirtieth of each year for**  
16 **the immediately preceding year ending December thirty-first or within six**  
17 **months of the close of the fiscal year, only if records are not maintained on a**  
18 **calendar year basis**. The commissioner of insurance shall also have the authority  
19 to examine the books, records, and affairs of the trust fund.

20 (d) The establishment and operation of **at least** one or more professional,  
21 trade, and occupational or public liability trust funds by professional associations in  
22 this state for the purpose of providing a means by which professional malpractice  
23 and public liability claims or judgments arising from such claims against members  
24 of the associations shall be paid or settled shall not be deemed to be insurance, and  
25 the trust shall not be deemed to be a licensed, admitted, or authorized insurer but  
26 shall be subject to Subpart E of Part III of Chapter 2 **of this Title**, Part IV of Chapter  
27 7 **of this Title**, and Chapters 8 and 12 of this Title. An annual audited statement  
28 shall be filed with the commissioner of insurance **by June thirtieth of each year for**  
29 **the immediately preceding year ending December thirty-first or within six**  
30 **months of the close of the fiscal year, only if records are not maintained on a**

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED: \_\_\_\_\_